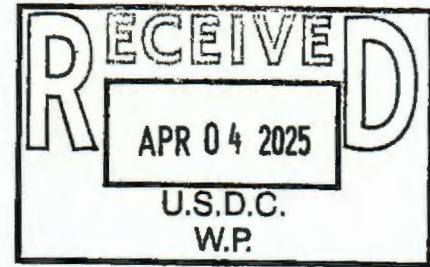


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH F. HERBERT
PRO - SE, PLAINTIFF,



- against -

22 CV 4299

CHRISTINA SANFELIZ Et. Al,
DEFENDANT.

PLEASE TAKE NOTICE, pro - Se Plaintiff hereby indeed submits application and motion under Rule 37(A)(3); (B)(4); (1)(e) to impose sanctions upon each defendant, for failing as State Troopers on April 4th, 2022 to properly preserve the following relevant evidence; Under Rule 37.1 all good faith efforts by plaintiff to counsel Sussman and counsel S. Cynthia Luo have been made seeking through discovery any and all relevant evidence that indeed exist. Defendant shall have spoliation sanctions imposed for not providing and preserving the following:

A) Failure to provide request April 4th, 2022, State Police Body worn Footage of enter of Golden Park Apt - and Footage at State Police Station that shows excessive force used upon Plaintiff; No body Camera worn footage from April 4th, 2022 as requested has been provided.

2) Failure to provide discovery request of request disciplinary records for review of Christina Sanfeliz.

3) Failure to provide relevant footage from state Police Station

-- of Plaintiff handcuffed for hours to bench on April 4th, 2022.

4) Failure to provide as requested State Police Policy with regards to the wearing of body worn cameras upon execution of a search warrant.

Plaintiff upon defendants counsel under Rule 37.1 made good effort attempts to identify and sought production of relevant discovery items; Court shall impose spoliation sanctions for defendants destroyed body worn camera footage from April 4th, 2022, that indeed did exists that will show how under color of law excessive force and physical force was used to impose injury upon plaintiff by defendant(s) Fox, Depuy and Sanfeliz on April 4th, 2022, In liberty new York, sanction under Rule 37(A)(3);(B)(4) shall be imposed upon all defendants for failing to preserve State Police Station Cameras from April 4th, 2022, each defendant Fox, Depuy and sanfeliz knew matter was moving forward and destroyed relevant footage that did contain video evidence of excessive force and intentional acts to support 42 U.S.C. 1983 complaint to proceed to trial.

It is requested under Rule 37(e) application for Sanction be

Granted and imposed upon all defendants.

DATED: ~~March 31st, 2025~~ ^{March 31st, 2025}

MARCH 31st, 2025

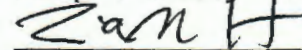
C.C./FILE

To: Pro - Se intake Office

To: S. Cynthia Lua, Esq

To: Michal Sussman, Esq

Respectfully Submitted,



JEREMIAH F. HERBERT

FPCF

6600 State Rt. 96,

P.O. Box 119,

ROMULUS, N.Y. 14541

VERIFICATION

STATE OF NEW YORK
COUNTY OF SENECA

} ss.: 22-CV-4299 K.M.K.

I, JEREMIAH F. HERBERT, being duly sworn, deposes and says:

Plaintiff

I am the ~~defendant~~ in the above captioned matter, proceeding Pro - Se. I have read the foregoing ~~document~~, and know the contents, and the contents are true of my own knowledge except as to those matters that are stated upon information and belief, and as to those matters, I believe the contents to be true.

DATED: 3/31/2025

Respectfully Submitted,

Jam +
JEREMIAH F. HERBERT
FPCF
6600 State Rt. 96,
P.O. Box 119,
ROMULUS, N.Y. 14541

I affirm this 31st day of March, 2025, under the penalty of perjury under the Laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a Court of Law.

Jam +
JEREMIAH F. HERBERT
PRO - SE, ~~defendant~~

Plaintiff

Defendants are to respond to this motion by 4/22/25.
The Clerk is respectfully directed to mail this document to Plaintiff.

So Ordered,

mk
4/8/25

AFFIDAVIT OF SERVICESTATE OF NEW YORK
COUNTY OF SENECA

} ss.: Motion under Rule (37 A)

I, JEREMIAH F. HERBERT, being duly sworn under the penalty of perjury, pursuant to Title C.P.L.R. Rule 2106, states that on the 31st day of March, 2025, that I mailed the below listed papers to the below listed parties via U.S. mail for service upon them via the U.S. Postal Service, or that said papers were placed in the inter-facility mail for mailing the same.

PAPERS WERE: Application for Imposed Sanction Rule 37 A

PARTIES ARE: (name and address to whom sent)

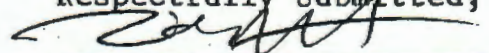
1) S. Cynthia Wu, Esq
28 Liberty St.
New York, NY 10005

2) _____

3) _____

I affirm this 31st day of March, 2025, under the penalty of perjury under the Law of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of Law.

Respectfully Submitted,



JEREMIAH F. HERBERT

FPCF

6600 State Rt. 96,
 P.O. Box 119,
 ROMULUS, N.Y. 14541

FIVE POINTS CORRECTIONAL FACILITY
STATE ROUTE 96, P.O. BOX 119
ROMULUS, NEW YORK 14541

ROCHESTER NY 144

1 APR 2025 PM 3 L

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FIRST-CLASS MAIL

04/01/2025

US POSTAGE \$000.69

NAME: Jeremiah
Herbert

DIN: 238459

LOC: 9-B1-191

Correctional Facility



ZIP 14541
041M11272007

United States District Court
Southern District of New York
300 QUARROPAS STREET
White Plains, New York 10601-4100
Pro-se INTAKE office

USMWP
SDNY

Legal mail

22-CV-4299 (KMK)

10501-414000



NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
INCARCERATED INDIVIDUAL CORRESPONDENCE PROGRAM

NAME: Jeremiah Hesse DIN: 2381457

Legal Mail

